

The Gazette of India



PUBLISHED BY AUTHORITY

No. 39]

NEW DELHI, SATURDAY, DECEMBER 23, 1950

NOTICE

The undermentioned Gazettes of India Extraordinary were published during the week ending the 19th December 1950:—

S. No.	No. and Date	Issued by	Subject
1.	No. 3-T(4)/50, dated the 9th December 1950.	Ministry of Commerce	Ex-Works retention prices of steel produced by companies will remain in force until 30th April 1951.
2.	No. 24/50-Elec.(55), dated the 9th December 1950.	Election Commission, India.	Amendments in the Election Commission's Notification No. 24/50-Elec.(55), dated 23rd November 1950.
	No. 24/50-Elec.(56), dated the 9th December 1950	Ditto.	Amendments in the Election Commission's Notification No. 24/50-Elec.(56), dated 23rd November 1950.
	No. 83/50-Elec.(2), dated the 9th December 1950.	Ditto.	Election Commission designates every Tahsildar in the State of Madhya Pradesh to be person to whom a claim or objection may be presented.
3.	No. 104/1/50(1)-Elec., dated the 15th December 1950.	Ditto.	Election Commission extends upto the 15th January 1951, the period within which claims and objections are to be made in respect of the Electoral roll in certain specified States.
	No. 104/1/50(2)-Elec., dated the 15th December 1950.	Ditto.	Election Commission extends upto the 15th January 1951, the period within which claims and objections are to be made in respect of the electoral roll for the State of Bilaspur.
	No. 104/1/50(3)-Elec., dated the 15th December 1950.	Ditto.	Election Commission extends upto the 15th January 1951, the period within which claims and objections are to be made in respect of the electoral roll within the State of Bhopal.
4.	No. 170-ITC(P.N.)/50, dated the 16th December 1950.	Ministry of Commerce.	Licensing of cigarettes falling under Serial No. 95 of Part IV of the Import Trade Control Schedule for January-June 1951.
5.	No. 13/2/50-Public, dated the 16th December 1950.	Ministry of Home Affairs.	Demise of Sardar Vallabhbhai Patel, Deputy Prime Minister of India at 9-37 A.M. on the morning of Friday, the 15th December 1950.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of this Gazette.

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PART I—Section 1

Notifications relating to Non-Statutory Rules, Regulations and Orders and Resolutions issued by the Ministries of the Government of India (other than the Ministry of Defence) and by the Supreme Court

SUPREME COURT OF INDIA

New Delhi, the 18th December 1950

No. F.22/50-SCA.—In pursuance of rule 6 of Order II of the Supreme Court Rules, 1950, it is hereby notified that the following days will be observed as Court holidays during the year 1951:—

Name of holiday	Month & Date	Day of the week	No. of days
Bank Holiday	1st January	Monday	1
Republic Day	26th January	Friday	1
Basant Panchami	12th February	Monday	1
Shivratri	6th March	Tuesday	1
Holi	22nd & 23rd March	Thursday & Friday	2
Good Friday	23rd March	Friday	1
Baisakhi	13th April	Friday	1
Ram Naumi	15th April	Sunday	1
Id-ul-Fitr	7th July	Saturday	1
Independence Day	15th August	Wednesday	1
Solono	16th August	Thursday	1
Janmashtami	24th August	Friday	1
Id-ul-Zuha	13th September	Thursday	1
Mahatma Gandhi's Birthday	2nd October	Tuesday	1
Dussehra	8th, 9th & 10th October	Monday, Tuesday & Wednesday	3
Muharram	12th October	Friday	1
Diwali	29th & 30th October	Monday & Tuesday	2
Guru Nanak Dev's Birthday	13th November	Tuesday	1
Id-i-Milad	12th December	Wednesday	1
Christmas & New Year Holidays	24th December 1951 to 6th January 1952 (both days inclusive).		14

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 13th December 1950

No. D. 9018-F. III/50.—Statement of the Affairs of the Reserve Bank of India, as on the 1st December 1950.

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital paid up	5,00,00,000	Notes	15,17,90,000
Reserve Fund	5,00,00,000	Rupee Coin	5,79,000
Deposits :—		Subsidiary Coin	1,87,000
(a) Government—		Bills Purchased and Discounted :—	
(1) Central Government	152,08,95,000	(a) Internal	15,00,000
(2) Other Governments	17,31,91,000	(b) External	..
(b) Banks	81,49,26,000	(c) Government Treasury Bills	1,54,39,000
(c) Others	61,55,50,000	Balances held abroad*	226,26,28,000
Bills Payable	5,80,22,000	Loans and Advances to Governments	67,00,000
Other Liabilities	10,55,53,000	Other Loans and Advances	3,87,48,000
	338,67,43,000	Investments	80,80,25,000
		Other Assets	4,11,47,000
Rupees	338,67,43,000	Rupees	338,67,43,000

* Includes Cash & Short-term Securities :

An Account pursuant to the Reserve Bank of India, Act, 1934, for the week ended the 1st day of December 1950.

ISSUE DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Notes held in the Banking Department	15,17,90,000	A.—Gold Coin and Bullion :—	
Notes in circulation	1119,91,65,000	(a) Held in India	40,01,71,000
Total Notes issued	1135,00,55,000	(b) Held outside India	..
		Foreign Securities	598,15,11,000
Total Liabilities	1135,00,55,000	Total of A	638,16,82,000
		B.—Rupee Coin	60,90,11,000
		Government of India Rupee Securities	436,62,62,000
		Internal Bills of Exchange and other Commercial Paper	..
		Total Assets	1135,00,55,000

Ratio of Total of A to Liabilities : 56.222 per cent.

Dated the 6th day of December 1950.

B. RAMA RAU, Governor.

K. G. AMBEGAOKAR, Secy.

MINISTRY OF FINANCE (REVENUE DIVISION)

RESOLUTION

CUSTOMS

New Delhi, the 23rd December 1950

No. 149.—The Government of India have decided to include "Republic of Ireland" in the list of privileged countries specified in paragraph 1 of the late Finance Department (Central Revenues) Resolution No. 32—Customs dated the 11th June 1927, as amended by

Resolution No. 23—Customs, dated the 21st April 1928, from which articles liable to customs duty are, when imported as commercial travellers' samples or specimens, subject to certain conditions, temporarily admitted without payment of the duty to which the goods may be liable.

ORDERED that the foregoing Resolution be published in the Gazette of India.

D. P. ANAND, Dy. Secy.

MINISTRY OF COMMERCE

ENEMY TRADING

New Delhi, the 16th December 1950

No. 22(1)-E.T./49(I).—WHEREAS all property in India belonging to, or held by or managed on behalf of the enemy firms specified in the Schedule hereto annexed is vested in the Custodian of Enemy Property under rule 114 of the Defence of India Rules as continued in force by the Trading with the Enemy (Continuance of Emergency Provisions) Act, 1947 (XVI of 1947):

AND WHEREAS under paragraph 3A of the Enemy Property (Custody and Registration) Order, 1939, the Central Government is empowered to order the said Custodian to deal with any property vested in him in such manner as the Central Government may direct:

AND WHEREAS the Central Government is pleased to order that provision should now be made for enabling the moneys included in, and received as, the net proceeds from the sale, use or other disposition of the property belonging to or held by or managed on behalf of the said enemy firms to be applied, to the extent due, for the satisfaction of debts due from the said enemy firms to certain classes of persons in India:

NOW, THEREFORE, the Central Government in exercise of the powers conferred by the said paragraph 3A of the Enemy Property (Custody and Registration) Order, 1939, and all other powers enabling it in that behalf is pleased to direct as follows:—

1. The Custodian shall, subject to the provisions hereinafter contained, pay all debts and liabilities which were owing by the respective enemy firms immediately before the vesting of their property in the Custodian and are due on the date of this Order to the classes of persons specified in paragraph 3 thereof.

2. (i) No claim shall be admitted or paid under this Order unless it can be established that a notice in respect of such claim was filed with the Custodian on or before the 24th January 1949 or was notified to any competent authority of the Government of India on or before the said date.

(ii) Notwithstanding anything in sub-paragraph (i) hereof, the Custodian may by notice require particulars of all debts and liabilities pertaining to any claim already filed against the respective enemy firms to be notified to him again after the date of this Order together with evidence that the respective claims were filed or notified in the manner specified in that sub-paragraph.

(iii) The said notice shall fix a date after which the further notification of the debt or claim provided for in sub-paragraph (ii) hereof shall be barred unless the Custodian is satisfied that the creditor had sufficient cause for not notifying the claim within time.

3. Claims required to be paid under this Order shall, subject to the provisions in paragraph 2 above, include only such claims as were owing by the respective enemy firms immediately before the vesting of their property and are due on the date of this Order to:—

(a) a person who is a citizen of India or is deemed to be a citizen of India under the relative provisions in the Constitution of India; or

(b) any other person (not being a person detained in an internment camp in India or restricted to a parole centre in India at any time after the 2nd September 1939) who is a British subject and is and has since the 2nd September 1939 been resident or carrying on business in any part of the territories now constituting the Union of India; or

(c) a body of persons which on the 3rd September 1939 was a body of persons constituted or incorporated under the laws for the time being in force in what was then known as British India or an Indian State and which is and has been carrying on business in the territories now constituting the Union of India:

Provided that where any person or body of persons specified in sub-paragraphs (b) and (c) hereof is carrying on business on the date of this Order both in and outside the territories of the Union of India any sum which is not attributable to a contract entered into with the respective enemy firm within the said territories shall be excluded for the purpose of making any payment under this Order.

4. (i) The Custodian shall, by notice in writing, determine the manner and time for the furnishing and verification of information required by him in connection with each claim, including the production of books and documents.

(ii) The Custodian shall then examine the claim and such evidence in respect thereof as may be furnished to him and determine with respect to each claim the amount which is to be allowed or disallowed, in whole or in part, for the purpose of making any payment under this Order.

5. The Custodian shall, for the purpose of making any payment under this Order, have power:

- (a) to compromise any debt or liability with the respective creditor or with any person claiming to be in respect of any such debt or liability a creditor of any of the said enemy firms;
- (b) to determine any contract in respect of a transaction to which a claim relates, or any question relating to or affecting the said contract or claim;
- (c) to require a discharge to be given in respect of any debt or liability for which payment is made under this Order and to take any security for the payment of any such debt or liability; and
- (d) to charge to persons making claims for payment any fees that may be prescribed in this behalf by the Central Government from time to time and to recover such fees by deduction from the amount or amounts determined to be payable under this Order.

6. (i) The provisions contained in paragraph 2 above regarding the filing of a claim shall not apply in the case of any debt due and owing from any of the said enemy firms to any Government or to any public or local authority in India or in the case of arrears due and owing in respect of any tax or public demand incident to the property of the said enemy firms.

(ii) Every such debt or tax or public demand which is established to be outstanding and due shall notwithstanding anything to the contrary in this Order, be payable under this Order without taking into account any limitation as to time imposed by any law in force on the assessment, recovery, refund or crediting thereof and shall be paid to the same extent as it would have been paid if the property of the said enemy firms had not been vested in the Custodian or as nearly as may be deemed practicable.

7. No claim of any kind shall be entitled to any priority in payment under this Order, except for the classes of payment provided for in paragraph 6 above, and before making any payment under this Order the Custodian may deduct from the net proceeds held by him from the sale, use or other disposition of the property belonging to, held by or managed on behalf of the respective enemy firms:

- (a) any expenses (including both expenses in connection with such property or proceeds thereof and any costs, charges, and expenses incurred in connection with the carrying out the provisions of this Order) and any taxes or public demands to be paid in respect of such property or proceeds;
- (b) such amount or amounts as he may consider to be due to be held as a reserve for the payment of such expenses, taxes and public demands and of any debt due to any Government or to any public or local authority in India.

8. Subject to the provisions of paragraph 6 above and without prejudice to the generality thereof, any objection to payment which would have been available to any enemy firm to which this Order applies shall be available to the Custodian, except that the period from and after the date of the vesting of the property of the firm shall not be included for the purpose of determining the period of limitation prescribed in respect of any class or classes of claims under any law for the time being in force in any part of the territories now constituting the Union of India.

9. (i) In respect of any claim which has been disallowed, in whole or in part, by the Custodian, an application for review of such disallowance may be made by the person interested in the claim through the Custodian to the Central Government within 21 days from the date of receipt of the notice of such disallowance, and the Central Government may on review of the application issue orders to the Custodian affirming or modifying or reversing his decision and directing payment of such amount, if any, as the Central Government may find to be due.

(ii) Any direction issued by the Central Government under sub-paragraph (i) hereof will be conclusive for the purpose of determining the amount due to be paid under this Order and no suit or other legal proceeding shall lie against the Custodian or the Central Government for anything which is in good faith done or is intended to be done under this Order.

10. The word "tax" as used in this Order shall include any tax, duty, cess, toll, rate or fee or any other impost of a like nature as well as any special assessment including any interest, penalty, additional amount or addition thereto not arising from any act, omission, neglect, failure or delay on the part of the Custodian; and the expression "public demand" shall include any money which is declared by any law for the time being in force to be recoverable or realisable as an arrear of revenue or land revenue, or by any process authorised for the recovery of arrears of revenue or of the public revenue or of Government revenue.

11. The Custodian shall comply with any direction of the Central Government, varying or modifying the directions herein contained on any question concerning the carrying out the provisions of this Order.

12. Where arrangements are or have been made by the Central Government with the Government of Pakistan for the payment of any debt or liability of any of the respective enemy firms to any person or body of persons in Pakistan, the Central Government may give directions to the Custodian regarding the manner in which the provisions of this Order are to be applied for giving effect to those arrangements.

SCHEDULE

Sr. No.	Name of Enemy Firm	Place of business
1	Agfa Photo Co. Limited.	Bombay
2	Bayer Remedies Limited.	Bombay
3	Deutscher Klub Limited.	Bombay
4	H. C. Mueller & Co. Limited.	Bombay
5	Adolf (India) Limited.	Bombay
6	Schering (India) Limited.	Bombay
7	Chemdyes Limited.	Bombay
8	Siemens (India) Limited.	Calcutta
9	Indanthren Co. Limited.	Bombay
10	F. H. Schulz (India) Limited.	Calcutta
11	German Club & Athletic Association.	Calcutta

No. 22(1) E.T./49(II).—WHEREAS all property in India belonging to, or held by or managed on behalf of the enemy firms specified in the Schedule hereto annexed is vested in the Custodian of Enemy Property under rule 114 of the Defence of India Rules as continued in force by the Trading with the Enemy (Continuance of Emergency Provisions) Act, 1947 (XVI of 1947):

AND WHEREAS under paragraph 3A of the Enemy Property (Custody and Registration) Order, 1939, the Central Government is empowered to order the said Custodian to deal with any property vested in him in such manner as the Central Government may direct:

AND WHEREAS the Central Government is pleased to order that provision should now be made for enabling the moneys included in, and received as, the net proceeds from the sale, use or other disposition of the property belonging to or held by or managed on behalf of the said enemy firms to be applied, to the extent due, for the satisfaction of debts due from the said enemy firms to certain classes of persons in India:

Now, THEREFORE, the Central Government in exercise of the powers conferred by the said paragraph 3A of the Enemy Property (Custody and Registration) Order, 1939, and all other powers enabling in that behalf is pleased to direct as follows:—

1. The Custodian shall, subject to the provisions hereinafter contained, pay all debts and liabilities which were owing by the respective enemy firms immediately before the vesting of their property in the Custodian and are due on the date of this Order to the classes of persons specified in paragraph 3 hereof.

2. (i) No claim shall be admitted or paid under this Order unless it can be established that a notice in respect of such claim was filed with the Custodian on or before the 24th January 1949 or was notified to any competent authority of the Government of India on or before the said date.

(ii) Notwithstanding anything in sub-paragraph (i) hereof, the Custodian may by notice require particulars of all debts and liabilities pertaining to any claim

already filed against the respective enemy firms to be notified to him again after the date of this Order together with evidence that the respective claim was filed or notified in the manner specified in that sub-paragraph.

(iii) The said notice shall fix a date after which the further notification of the debt or claim provided for in sub-paragraph (ii) hereof shall be barred unless the Custodian is satisfied that the creditor had sufficient cause for not notifying the claim within time.

3. Claims required to be paid under this Order shall, subject to the provisions in paragraph 2 above, include only such claims as were owing by the respective enemy firms immediately before the vesting of their property and are due on the date of this Order to:—

- (a) a person who is a citizen of India or is deemed to be a citizen of India under the relative provisions of the Constitution of India, if that person was not resident or carrying on business in Germany at any time between the 3rd September 1939 and 24th January 1946; or
- (b) any other person (not being a person detained in an internment camp in India or restricted to a parole centre in India at any time after the 2nd September 1939) who is a British subject and is and has since the 2nd September 1939 been resident or carrying on business in any part of the territories now constituting the Union of India; or
- (c) a body of persons which on the 3rd September 1939 was a body of persons constituted or incorporated under the laws for the time being in force in what was then known as British India or an Indian State and which is and has been carrying on business in the territories now constituting the Union of India:

Provided that where any person or body of persons specified in sub-paragraphs (b) and (c) hereof is carrying on business on the date of this Order both in and outside the territories of the Union of India, any sum attributable to the business carried on outside the said territories shall be excluded for the purpose of making any payment under this Order.

4. (i) The Custodian shall, by notice in writing, determine the manner and time for the furnishing and verification of information required by him in connection with each claim, including the production of books and documents.

(ii) The Custodian shall then examine the claims and such evidence in respect thereof as may be furnished to him and determine with respect to each claim the amount which is to be allowed or disallowed, in whole or in part, for the purpose of making any payment under this Order.

5. The Custodian shall, for the purpose of making any payment under this Order, have power:—

- (a) to compromise any debt or liability with the respective creditor or with any person claiming to be in respect of any such debt or liability a creditor of any of the said enemy firms;
- (b) to determine any contract in respect of a transaction to which a claim relates, or any question relating to or affecting the said contract or claim;
- (c) to require a discharge to be given in respect of any debt or liability for which payment is made under this Order and to take any security for the payment of any such debt or liability; and
- (d) to charge to persons making claims for payment any fees that may be prescribed in this behalf by the Central Government from time to time and to recover such fees by deduction from the amount or amounts determined to be payable under this Order.

6. (i) The provisions contained in paragraph 2 above regarding the filing of a claim shall not apply in the case of any debt due and owing from any of the said enemy firms to any Government or to any public or local authority in India or in the case of arrears due and owing in respect of any tax or public demand incident to the property of the said enemy firms.

(ii) Every such debt or tax or public demand which is established to be outstanding and due shall notwithstanding anything to the contrary in this Order, be payable under this Order without taking into account any limitation as to time imposed by any law in force on the assessment, recovery, refund or crediting thereof and shall be paid to the same extent as it would have been paid if the property of the said enemy firms had not been vested in the Custodian or as nearly as may be deemed practicable.

7. No claim of any kind shall be entitled to any priority in payment under this Order, except for the classes of payment provided for in paragraph 6 above, and before making any payment under this Order the Custodian may deduct from the net proceeds held by him from the sale, use or other disposition of the property belonging to, held by or managed on behalf of the respective enemy firms:

- (a) any expenses (including both expenses in connection with such property or proceeds thereof and any costs, charges, and expenses incurred in connection with the carrying out of this Order) and any taxes or public demands to be paid in respect of such property or proceeds;
- (b) such amount or amounts as he may consider to be due to be held as a reserve for the payment of such expenses, taxes and public demands and of any debt due to any Government or to any public or local authority in India.

8. Subject to the provisions of paragraph 6 above and without prejudice to the generality thereof, any objection to payment which would have been available to any enemy firm to which this Order applies shall be available to the Custodian, except that the period from and after the date of the vesting of the property of the firm shall not be included for the purpose of determining the period of limitation prescribed in respect of any class or classes of claims under any law for the time being in force in any part of the territories now constituting the Union of India.

9. (i) In respect of any claim which has been disallowed, in whole or in part, by the Custodian, an application for review of such disallowance may be made by the person interested in the claim through the Custodian to the Central Government within 21 days from the date of receipt of the notice of such disallowance, and the Central Government may on review of the application issue orders to the Custodian affirming or modifying or reversing his decision and directing payment of such amount, if any, as the Central Government may find to be due.

(ii) Any direction issued by the Central Government under sub-paragraph (i) hereof will be conclusive for the purpose of determining the amount due to be paid under this Order and no suit or other legal proceeding shall lie against the Custodian or the Central Government for anything which is in good faith done or is intended to be done under this Order.

10. (i) A discharge given to the Custodian in respect of any payment made under this Order will be evidence of the fact that the indebtedness to which the payment relates has been discharged to the extent specified in the said discharge.

(ii) Where a claim has been disallowed, in whole or in part, under this Order, neither the fact that it has been so disallowed nor anything contained in this Order shall affect the right of any person interested in the claim to proceed against the original owners of the respective enemy firms, or against any other person who may be liable, for the realisation of any amount which may remain due and owing for payment after the claim has been dealt with under this Order.

11. The word "tax" as used in this Order shall include any tax, duty, cess, toll, rate or fee or any other impost of a like nature as well as any special assessment including any interest, penalty, additional amount or addition thereto not arising from any act, omission, neglect, failure or delay on the part of the Custodian; and the expression "public demand" shall include any money which is declared by any law for the time being in force to be recoverable or realisable as an arrear of revenue or land revenue, or by a process authorised for the recovery of arrears of revenue or of the public revenue or of Government revenue.

12. The Custodian shall comply with any direction of the Central Government, varying or modifying the directions herein contained on any question concerning the carrying out of this Order.

13. Where arrangements are or have been made by the Central Government with the Government of Pakistan for the payment of any debt or liability of any of the respective enemy firms to any person or body of persons in Pakistan, the Central Government may give directions to the Custodian regarding the manner in which the provisions of this Order are to be applied for giving effect to those arrangements,

SCHEDULE

Sr. No	Name of Enemy Firm	Place of business
1	Auto Union A. G.	Bombay
2	Christian Poggensee (Hamburg)	Madras and Coimbatore
3	Hallesche Maschinenfabrik Und Eisengiesserei.	Calcutta
4	Hans Kroplin (Hamburg)	Calcutta
5	Schimmel & Co. A. G.	Calcutta
6	G. E. Z. Electric Train Lighting Co. (Berlin).	Calcutta
7	Dr. Madaus & Co	Calcutta
8	Krupp Indian Trading Co. Ltd	Bombay and Calcutta
9	Horst Bumann	Bombay
10	Rohtas Industries Bakelite Factory	Bombay
11	Tempo Tropic	Bombay

No. 22(1)-E.T./49(III).—WHEREAS all property in India belonging to, or held by or managed on behalf of the enemy firms specified in the Schedule hereto annexed is vested in the Custodian of Enemy Property under rule 114 of the Defence of India Rules as continued in force by the Trading with the Enemy (Continuance of Emergency Provisions) Act, 1947 (XVI of 1947):

AND WHEREAS under paragraph 3A of the Enemy Property (Custody and Registration) Order, 1939, the Central Government is empowered to order the said Custodian to deal with any property vested in him in such manner as the Central Government may direct:

AND WHEREAS the Central Government is pleased to order that provision should now be made for enabling the moneys included in, and received as, the net proceeds from the sale, use or other disposition of the property belonging to or held by or managed on behalf of the said enemy firms to be applied, to the extent due, for the satisfaction of debts due from the said enemy firms to certain classes of persons in India:

Now, THEREFORE, the Central Government in exercise of the powers conferred by the said paragraph 3A of the Enemy Property (Custody and Registration) Order, 1939, and all other powers enabling in that behalf is pleased to direct as follows:—

1. The Custodian shall, subject to the provisions hereinafter contained, pay all debts and liabilities which were owing by the respective enemy firms immediately before the vesting of their property in the Custodian and are due on the date of this Order to the classes of persons specified in paragraph 3 hereof.

2. (i) No claim shall be admitted or paid under this Order unless a notice in respect of such claim has been filed with the Custodian and the said Custodian shall by notice fix a date after which the filing of any claim will be barred unless the Custodian is satisfied that the claimant held sufficient cause for not filing the claim in time.

(ii) Any claim already filed with the Custodian in respect of any debt or liability owing and due by any of the respective enemy firms shall be regarded as a claim filed under this Order except that the said Custodian may by notice require particulars of all or any such claims to be notified to him again within the limit of time to be fixed by him for the purpose of the filing of claims under sub-paragraph (i) hereof.

3. Claims required to be paid under this Order shall, subject to the provisions in paragraph 2 above, include only such claims as were owing by the respective enemy firms immediately before the vesting of their property and are due on the date of this Order to:—

(a) a person who is a citizen of India or is deemed to be a citizen of India under the relative provisions of the Constitution of India, if that person was not resident or carrying on business in Japan at any time between the 8th December 1941 and 2nd July 1947; or

(b) any other person (not being an individual detained in an internment camp in India or restricted to a parole centre in India at any time after the 2nd September 1939) who is a British subject and is and has since the 8th December 1941 been resident or carrying on

business in any part of the territories now constituting the Union of India, or

(c) a body of persons which on the 8th December 1941 was a body of persons constituted or incorporated under the laws for the time being in force in what was then known as British India or an Indian State and which is and has been carrying on business in the territories now constituting the Union of India.

Provided that where any person or body of persons specified in sub-paragraphs (b) and (c) hereof is carrying on business on the date of this Order both in and outside the territories of the Union of India, any sum attributable to the business carried on outside the said territories shall be excluded for the purpose of making any payment under this Order.

4. (i) The Custodian shall, by notice in writing, determine the manner and time for the furnishing and verification of information required by him in connection with each claim, including the production of books and documents.

(ii) The Custodian shall then examine the claims and such evidence in respect thereof as may be furnished to him and determine with respect to each claim the amount which is to be allowed or disallowed, in whole or in part, for the purpose of making any payment under this Order.

5. The Custodian shall, for the purpose of making any payment under this Order, have power:—

(a) to compromise any debt or liability with the respective creditor or with any person claiming to be in respect of any such debt or liability a creditor of any of the said enemy firms;

(b) to determine any contract in respect of a transaction to which a claim relates, or any question relating to or affecting the said contract or claim;

(c) to require a discharge to be given in respect of any debt or liability for which payment is made under this Order and to take any security for the payment of any such debt or liability; and

(d) to charge to persons making claims for payment any fees that may be prescribed in this behalf by the Central Government from time to time and to recover such fees by deduction from the amount or amounts determined to be payable under this Order.

6. (i) The provisions contained in paragraph 2 above regarding the filing of a claim shall not apply in the case of any debt due and owing from any of the said enemy firms to any Government or to any public or local authority in India or in the case of arrears due and owing in respect of any tax or public demand incident to the property of the said enemy firms.

(ii) Every such debt or tax or public demand which is established to be outstanding and due shall notwithstanding anything to the contrary in this Order, be payable under this Order without taking into account any limitation as to time imposed by any law in force on the assessment, recovery, refund or crediting thereof and shall be paid to the same extent as it would have been paid if the property of the said enemy firms had not been vested in the Custodian or as nearly as may be deemed practicable.

7. No claim of any kind shall be entitled to any priority in payment under this Order, except for the classes of payment provided for in paragraph 6 above, and before making any payment under this Order the Custodian may deduct from the net proceeds held by him from the sale, use or other disposition of the property belonging to, held by or managed on behalf of the respective enemy firms:

(a) any expenses (including both expenses in connection with such property or proceeds thereof and any costs, charges, and expenses incurred in connection with the carrying out of this Order) and any taxes or public demands to be paid in respect of such property or proceeds;

(b) such amount or amounts as he may consider to be due to be held as a reserve for the payment of such expenses, taxes and public demands and of any debt due to any Government or to any public or local authority in India.

8. Subject to the provisions of paragraph 6 above and without prejudice to the generality thereof, any objection to payment which would have been available to any enemy firms to which this Order applies shall be available to the Custodian, except that the period from and after the date of the vesting of the property of the

firm shall not be included for the purpose of determining the period of limitation prescribed in respect of any class or classes of claims under any law for the time being in force in any part of the territories now constituting the Union of India.

9. (i) In respect of any claim which has been disallowed, in whole or in part, by the Custodian, an application for review of such disallowance may be made by the person interested in the claim through the Custodian to the Central Government within 21 days from the date of receipt of the notice of such disallowance, and the Central Government may on review of the application issue orders to the Custodian affirming or modifying or reversing his decision and directing payment in such amount, if any, as the Central Government may find to be due.

(ii) Any direction issued by the Central Government under sub-paragraph (i) hereof will be conclusive for the purpose of determining the amount due to be paid under this Order and no suit or other legal proceeding shall lie against the Custodian or the Central Government for anything in good faith done or intended to be done under this Order.

10. (i) A discharge given to the Custodian in respect of any payment made under this Order will be evidence of the fact that the indebtedness to which the payment relates has been discharged to the extent specified in the said discharge.

(ii) Where a claim has been disallowed, in whole or in part, under this Order, neither the fact that it has been so disallowed nor anything contained in this Order shall affect the right of any person interested in the claim to proceed against the original owners of the respective enemy firms, or against any other person who may be liable, for the realisation of any amount which may remain due and owing for payment after the claim has been dealt with under this Order.

11. The word "tax" as used in this Order shall include any tax, duty, cess, toll, rate or fee or any other impost of a like nature as well as any special assessment including any interest, penalty, additional amount or addition thereto not arising from any act, omission, neglect, failure or delay on the part of the Custodian; and the expression "public demand" shall include any money which is declared by any law for the time being in force to be recoverable or realisable as an arrear of revenue or land revenue, or by a process authorised for the recovery of arrears of revenue or of the public revenue or of Government revenue.

12. The Custodian shall comply with any direction of the Central Government, varying or modifying the directions herein contained on any question concerning the carrying out of this Order.

13. Where arrangements are or have been made by the Central Government with the Government of Pakistan for the payment of any debt or liability of any of the respective enemy firms to any person or body of persons in Pakistan, the Central Government may give directions to the Custodian regarding the manner in which the provisions of this Order are to be applied for giving effect to those arrangements.

SCHEDULE

S. No.	Name of Enemy Firm	Place of business
1	Japan Cotton Trading Company Limited.	Bombay and Madras
2	Mitsui Bisan Kaisha Limited	Bombay and Madras
3	Taisho Marine and Fire Insurance Company Limited.	Bombay
4	Tokyo Marine & Fire Insurance Company Limited.	Bombay
5	Tokyo Menkei Kaisha Limited	Bombay and Calcutta
6	Nissho Company Limited	Bombay
7	Iwai and Company Limited	Bombay
8	Japan Cotton Textile Exporters' Association.	Bombay
9	Gosho Kabushiki Kaisha Limited	Bombay and Calcutta
10	Japanese Gymkhana	Bombay
11	Fujiya Hotel	Bombay
12	Nishi-n-Shokai	Calcutta
13	Shimada Trading Company Limited.	Calcutta
14	B. Kobayashi	Calcutta
	Nippon Club	Calcutta

IN THE MATTER OF THE TRADING WITH THE
ENEMY CONTINUANCE OF EMERGENCY PROV-
ISIONS ACT, 1947

AND

IN THE MATTER OF THE CONTINENTAL TYRE &
RUBBER CO., BOMBAY.

No. 22(1)-E.T./49(IV).—WHEREAS all property in India belonging to, or held by or managed on behalf of the enemy firm of the Continental Tyre & Rubber Company, Bombay, is vested in the Custodian of Enemy Property under rule 114 of the Defence of India Rules as continued in force by the Trading with the Enemy (Continuance of Emergency Provisions) Act, 1947 (XVI of 1947):

AND WHEREAS under paragraph 3A of the Enemy Property (Custody and Registration) Order, 1939, the Central Government is empowered to order the said Custodian to deal with any property vested in him in such manner as the Central Government may direct:

AND WHEREAS the Central Government is pleased to order that provision should now be made for enabling the moneys included in, and received as, the net proceeds from the sale, use or other disposition of the property belonging to or held by or managed on behalf of the said enemy firms to be applied, to the extent due, for the satisfaction of debts due from the said enemy firm to certain classes of persons in India:

Now, THEREFORE, the Central Government in exercise of the powers conferred by the said paragraph 3A of the Enemy Property (Custody and Registration) Order, 1939, and all other powers enabling in that behalf is pleased to direct as follows:—

1. The Custodian shall, subject to the provisions hereinafter contained, pay all debts and liabilities which were owing by the said enemy firms immediately before the vesting of its property in the Custodian and are due on the date of this Order to the classes of persons specified in paragraph 3 hereinbelow.

2. The Custodian shall, for the purpose of making any payment under this Order, have power:—

(a) to compromise any debt or liability with the respective creditor or with any person claiming to be in respect of any such debt or liability a creditor of the said enemy firm;

(b) to determine any contract in respect of a transaction to which a claim relates, or any question relating to or affecting the said contract or claim;

(c) to make reasonable payments in respect of any or all classes of claims, subject to such priority in payment as has hereinafter been provided for;

(d) to require a discharge to be given in respect of any debt or liability for which payment is made under this Order and to take any security for the payment of any such debt or liability; and

(e) to charge to persons making claims for payment any fees that may be prescribed in this behalf by the Central Government from time to time and to recover such fees by deduction from the amount or amounts determined to be payable under this Order.

3. Claims required to be paid under this Order shall include only such claims as were owing by the said enemy firm immediately before the vesting of its property and are due on the date of this Order to:—

(a) a person who is a citizen of India or is deemed to be a citizen of India under the relative provisions of the Constitution of India;

(b) any other person (not being an individual detained in an internment camp in India or restricted to a parole centre in India at any time after the 2nd September 1939) who is a British subject and is and has since the 2nd September 1939 been resident or carrying on business in any part of the territories now constituting the Union of India; or

(c) a body of persons which on the 3rd September 1939 was a body of persons constituted or incorporated under the laws for the time being in force in what was then known as British India or an Indian State and which is and has been carrying on business in the territories now constituting the Union of India; or

(d) as respects any claim vested in the Custodian which he may be required to realise for the purpose of any direction issued by the Central Government, any person or body of persons interested in the claim, which person or body of persons is an enemy firm or an enemy subject as defined in Rule 103 of the said Defence of India Rules:

Provided that where any person or body of persons specified in sub-paragraphs (b) and (c) hereof is carrying on business on the date of this Order both in and outside the territories of the Union of India, any sum attributable to the business carried on outside the said territories shall be excluded for the purpose of making any payment under this Order.

4. (i) No claim shall be admitted or paid under this Order unless it can be established that a notice in respect of such claim was filed with the Custodian on or before the 24th January 1949 or was notified to any competent authority of the Government of India on or before the said date.

(ii) Notwithstanding anything in sub-paragraph (i) above, the Custodian may by notice require particulars of all debts and liabilities pertaining to any claim against the said enemy firm to be notified to him again after the date of this Order together with evidence that the respective claim was filed or notified in the manner specified in that sub-paragraph.

(iii) The said notice shall fix a date after which the further notification of the debt or claim provided for in sub-paragraph (ii) above shall be barred unless the Custodian is satisfied that the creditor had sufficient cause for not filing the claim in time.

5. (i) The Custodian shall, by notice in writing, determine the manner and time for the furnishing and verification of information required by him in connection with each claim, including the production of books and documents.

(ii) The Custodian shall then examine the claims and such evidence in respect thereof as may be furnished to him and determine with respect to each claim the amount which is to be allowed or disallowed, in whole or in part, for the purpose of making any payment under this Order.

6. The provisions in paragraphs 4 and 5 above shall not apply in the case of claims specified in sub-paragraph (d) of paragraph 3 and they will otherwise have effect subject to the provisions hereinafter contained.

7. (i) The provisions contained in paragraph 4 above regarding the filing of a claim shall not apply in the case of any debt due and owing from any of the said enemy firms to any Government or to any public or local authority in India or in the case of arrears due and owing in respect of any tax or public demand incident to the property of the said enemy firm.

(ii) Every such debt or tax or public demand which is established to be outstanding and due shall notwithstanding anything to the contrary in this Order, be payable under this Order without taking into account any limitation as to time imposed by any law in force on the assessment, recovery, refund or crediting thereof and shall be paid to the same extent as it would have been paid if the property of the said enemy firms had not been vested in the Custodian or as nearly as may be deemed practicable.

8. (i) Any payment due to be made under this Order shall be made only out of such money as is included in or received as net proceeds from the sale, use or other disposition of the property belonging to or held by or managed on behalf of the said enemy firm and the Custodian shall not be required to dispose of any property vested in him on account of the said enemy firm for the sole purpose of paying or satisfying any claim which is required to be paid under this Order.

(ii) No claim of any kind shall be entitled to any priority in payment under this Order, except for the class of payments provided for in paragraph 7 above, and before making any payment under this Order the Custodian may deduct from the net proceeds held by him from the sale, use or other disposition of the property of the said enemy firm:

(a) any expenses (including both expenses in connection with such property or proceeds thereof and any costs, charges, and expenses incurred in connection with the carrying out of this Order) and any taxes or public demands to be paid in respect of such property or proceeds; or

(b) such amount or amounts as he may consider to be due to be held as a reserve for the payment of such expenses, taxes and public demands and of any debt due to any Government or to any public or local authority in India.

(iii) If the money available from the net proceeds specified in sub-paragraph (i) hereof is deemed by the Custodian to be insufficient to satisfy in full all debts and liabilities, present or future, certain or contingent, to which the said enemy firm is known to him to have been subject at any time between the date of the vesting of its property and the date of this Order, he shall subject to the provision in sub-paragraph (u) hereof, make due and sufficient provision for such of the said debts and liabilities as are not payable under this Order and thereafter rateable payments shall be made in respect of claims due to the persons or bodies of persons specified in paragraph 3 above to the extent of the balance available for such payments.

9. Subject to the provisions of paragraph 7 above and without prejudice to the generality thereof, any objection to payment which would have been available to the said enemy firm shall be available to the Custodian except that the period from and after the date of the vesting of its property shall not be included for the purpose of determining the period of limitation prescribed in respect of any class or classes of claims under any law for the time being in force in any part of the territories now constituting the Union of India.

(i) In respect of any claim which has been disallowed, in whole or in part, by the Custodian, an application for review of such disallowance may be made through the Custodian to the Central Government within 21 days from the date of receipt of the notice of such disallowance, and the Central Government may on review of the application issue orders on the Custodian affirming or modifying or reversing his decision and directing payment in such amount, if any, as the Central Government may find to be due.

(ii) Any direction issued by the Central Government under sub-paragraph (i) hereof will be conclusive for the purpose of determining the amount due to be paid under this Order and no suit or other legal proceeding shall lie against the Custodian or the Central Government for anything in good faith done or is intended to be done under this Order.

11. (i) A discharge given to the Custodian in respect of any payment made under this Order will be evidence of the fact that the indebtedness to which the payment relates has been discharged to the extent specified in the said discharge.

(ii) Where a claim has been disallowed, in whole or in part, by the Custodian, neither the fact that it has been so disallowed nor anything contained in this Order shall affect the right of any person interested in the claim to proceed against the original owners of the said enemy firm, or against any other person who may be liable, for the realisation of any amount which may remain due and owing for payment after the claim has been dealt with under this Order.

12. The word "tax" as used in this Order shall include any tax, duty, cess, toll, rate or fee or any other impost of a like nature as well as any special assessment including any interest, penalty, additional amount or addition thereto not arising from any act, omission, neglect, failure or delay on the part of the Custodian; and the expression "public demand" shall include any money which is declared by any law for the time being in force to be recoverable or realisable as an arrear of revenue or land revenue, or by a process authorised for the recovery of arrears of revenue or the public revenue or of Government revenue.

13. The Custodian shall comply with any direction of the Central Government, varying or modifying the directions herein contained on any question concerning the carrying out of this Order.

14. Where arrangements are or have been made by the Central Government with the Government of Pakistan for the payment of any debt or liability of the said enemy firm to any person or body of persons in Pakistan, the Central Government may give directions to the Custodian regarding the manner in which the provisions of this Order are to be applied for giving effect to those arrangements.

No. 22(1)-E.T./49(V).—WHEREAS all property in India belonging to, or held by, or managed on behalf of, the enemy firms specified in the Schedule hereto annexed is vested in the Custodian of Enemy Property under rule 114 of the Defence of India Rules as continued in force by the Trading with the Enemy (Continuance of Emergency Provisions) Act, 1947 (XVI of 1947);

AND WHEREAS under paragraph 3A of the Enemy Property (Custody and Registration) Order, 1939, the Central Government is empowered to order the said

Custodian to deal with any property vested in him in such manner as the Central Government may direct;

AND WHEREAS the Central Government is pleased to order that provision should now be made for enabling the moneys included in, and received as, the net proceeds from the sale, use or other disposition of the property belonging to or held by or managed on behalf of the said enemy firms to be applied to the extent due, for the satisfaction of debts due from the said enemy firms to certain classes of persons in India:

Now, THEREFORE, the Central Government in exercise of the powers conferred by the said paragraph 3A of the Enemy Property (Custody and Registration) Order, 1939, and all other powers enabling it in that behalf is pleased to direct as follows:—

1. The Custodian shall, subject to the provisions hereinafter contained, pay all debts and liabilities which were owing by the respective enemy firms immediately before the vesting of their property in the Custodian and are due on the date of this Order to the classes of persons specified in paragraph 3.

2. The Custodian shall, for the purpose of making any payment under this Order, have power:—

- (a) to compromise any debt or liability with the respective creditor or with any person claiming to be in respect of any such debt or liability a creditor of any of the said enemy firms;
- (b) to determine any contract in respect of a transaction to which a claim relates, or any question relating to or affecting the said contract or claim;
- (c) to make rateable payments in respect of any or all classes of claims, subject to such priority in payment as is herein provided;
- (d) to require a discharge to be given in respect of any debt or liability for which payment is made under this Order and to take any security for the payment of any such debt or liability; and
- (e) to charge to persons making claims for payment any fees that may be prescribed in this behalf by the Central Government from time to time and to recover such fees by deduction from the amount or amounts determined to be payable under this Order.

3. Claims required to be paid under this Order shall include only such claims as were owing by the respective enemy firms immediately before the vesting of their property and are due on the date of this Order to:—

- (a) a person who is a citizen of India or is deemed to be a citizen of India under the relative provisions of the Constitution of India;
- (b) any other person (not being an individual detained in an internment camp in India or restricted to a parole centre in India at any time after the 2nd September 1939) who is a British subject and is and has since the 8th December 1941 been resident or carrying on business in any part of the territories now constituting the Union of India; or
- (c) a body of persons which on the 8th December 1941 was a body of persons constituted or incorporated under the laws for the time being in force in what was then known as British India or an Indian State and which is and has been carrying on business in the territories now constituting the Union of India; or
- (d) as respects any claim vested in the Custodian which he may be required to realise for the purpose of any direction issued by the Central Government, any person or body of persons interested in the claim, which person or body of persons is an enemy firm or an enemy subject as defined in Rule 103 of the said Defence of India Rules:

Provided that where any person or body of persons specified in sub-paragraphs (b) and (c) is carrying on business on the date of this Order both in an outside the territories of the Union of India, any sum attributable to the business carried on outside the said territories shall be excluded for the purpose of making any payment under this Order.

4. (i) No claim shall be admitted or paid under this Order unless a notice in respect of such claim has been filed with the Custodian and the said Custodian shall by notice fix a date after which the filing of any claim will be barred unless the Custodian is satisfied that the claimant held sufficient cause for not filing the claim in time.

(ii) Any claim already filed with the Custodian in respect of any debt or liability owing and due by any of the said enemy firms shall be regarded as a claim filed under this Order, except that the said Custodian

may by notice require particulars of all or any such claims to be notified to him again within the limit of time to be fixed by him for the purpose of the filing of claims under sub-paragraph (i).

5. (i) The Custodian shall, by notice in writing, determine the manner and time for the furnishing and verification of information required by him in connection with each claim, including the production of books and documents.

(ii) The Custodian shall then examine the claims and such evidence in respect thereof as may be furnished to him and determine with respect to each claim the amount which is to be allowed or disallowed, in whole or in part, for the purpose of making any payment under this Order.

6. The provisions in paragraphs 4 and 5 above shall not apply in the case of claims specified in sub-paragraph (d) of paragraph 3 and they will otherwise have effect subject to such exception as is hereinafter provided for.

7. (i) The provisions contained in paragraph 4 above regarding the filing of a claim shall not apply in the case of any debt due and owing from any of the said enemy firms to any Government or to any public or local authority in India or in the case of arrears due and owing in respect of any tax or public demand incident to the property of the said enemy firms.

(ii) Every such debt or tax or public demand which is established to be outstanding and due shall, notwithstanding anything to the contrary in this Order, be payable under this Order without taking into account any limitation as to time imposed by any law in force on the assessment, recovery, refund or crediting thereof and shall be paid to the same extent as it would have been paid if the property of the said enemy firms had not been vested in the Custodian or as nearly as may be deemed practicable.

8. (i) Any payment due to be made under this Order shall be made only out of such money as is included in or received as net proceeds from the sale, use or other disposition of the property belonging to or held by or managed on behalf of the respective enemy firms and the Custodian shall not be required to dispose of any property vested in him on account of the said enemy firms for the sole purpose of paying or satisfying any claim which is required to be paid under this Order.

(ii) No claim of any kind shall be entitled to any priority in payment under this Order, except for the class of payments provided for in paragraph 7 above, and before making any payment under this Order the Custodian may deduct from the net proceeds held by him from the sale, use or other disposition of the property of the said enemy firms.

- (a) any expenses (including both expenses in connection with such property or proceeds thereof and any costs, charges, and expenses incurred in connection with the carrying out of this Order) and any taxes or public demands to be paid in respect of such property or proceeds;
- (b) such amount or amounts as he may consider to be due to be held as a reserve for the payment of such expenses, taxes and public demands and of any debt due to any Government or to any public or local authority in India.

(iii) If the money available from the net proceeds specified in sub-paragraph (i) hereof is deemed by the Custodian to be insufficient to satisfy in full all debts and liabilities, present or future, certain or contingent, to which the respective enemy firms are known to him to have been subject at any time between the date of the vesting of their property and the date of this Order, he shall subject to the provision in sub-paragraph (ii) make due and sufficient provision for such of the said debts and liabilities as are not payable under this Order and thereafter ratable payments shall be made in respect of claims due to the persons or bodies of persons specified in paragraph 3 above to the extent of the balance available for such payments.

9. Subject to the provisions of paragraph 7 above and without prejudice to the generality thereof, any objection to payment which would have been available to any of the said enemy firms shall be available to the Custodian except that the period from and after the date of the vesting of their property shall not be included for the purpose of determining the period of limitation prescribed in respect of any class or classes of claims under any law for the time being in force in any part of the territories now constituting the Union of India.

10. (i) In respect of any claim which has been disallowed, in whole or in part, by the Custodian, an application for review of such disallowance may be made by the person interested in the claim through the Custodian to the Central Government within

21 days from the date of receipt of the notice of such disallowance, and the Central Government may on review of the application issue orders on the Custodian affirming or modifying or reversing his decision and directing payment of such amount, if any, as the Central Government may find to be due.

(ii) Any direction issued by the Central Government under sub-paragraph (i) will be conclusive for the purpose of determining the amount due to be paid under this Order and no suit or other legal proceeding shall lie against the Custodian or the Central Government for anything which is in good faith done or intended to be done under this Order.

11. (i) A discharge given to the Custodian in respect of any payment made under this Order will be evidence of the fact that the indebtedness to which the payment relates has been discharged to the extent specified in the said discharge.

(ii) Where a claim has been disallowed, in whole or in part, by the Custodian, neither the fact that it has been so disallowed nor anything contained in this Order shall affect the right of any person interested in the claim to proceed against the original owners of the said enemy firms, or against any other person who may be liable, for the realisation of any amount which may remain due and owing for payment after the claim has been dealt with under this Order.

12. The word "tax" as used in this Order shall include any tax, duty, cess, toll, rate or fee or any other impost of a like nature as well as any special assessment including any interest, penalty, additional amount or addition thereto not arising from any act, omission, neglect, failure or delay on the part of the Custodian; and the expression "public demand" shall include any money which is declared by any law for the time being in force to be recoverable or realisable as an arrear of revenue or land revenue, or by a process authorised for the recovery of arrears of revenue or of the public revenue or of Government revenue.

13. The Custodian shall comply with any direction of the Central Government, varying or modifying the directions herein contained on any question concerning the carrying out of this Order.

14. Where arrangements are or have been made by the Central Government with the Government of Pakistan for the payment of any debt or liability of any of the said enemy firms to any person or body of persons in Pakistan, the Central Government may give directions to the Custodian regarding the manner in which the provisions of this Order are to be applied for giving effect to those arrangements.

SCHEDULE

S. No.	Name of Enemy Firm	Place of Business
1	The Yokohama Specie Bank Limited .	Bombay and Calcutta.
2	The Bank of Taiwan Limited .	Bombay.
3	The Mitsui Bank Limited .	Bombay.

A. RAJAGOPALAN, Dy. Secy.

EXPORT TRADE CONTROL

New Delhi, the 14th December 1950

No. 91-CW(4)/49.—In exercise of the powers conferred by sub-section (1) of section 3 of the Imports and Exports (Control) Act, 1947 (XVIII of 1947), as amended by the Imports and Exports (Control) Amendment Act, 1950 (VI of 1950), the Central Government is pleased to direct that the following further amendment shall be made in the Open General Licence No. 4 published with the notification of the Government of India in the Ministry of Commerce No. 91-CW(4)/49, dated the 12th April 1949, namely:—

For entry (iviii) of the list of goods given in the said Open General Licence, the following shall be substituted, namely:—

"(iviii) Strawboards, millboards, cardboards and greyboards of indigenous manufacture."

A. P. MATHUR, Under Secy.

PUBLIC NOTICES

IMPORT TRADE CONTROL

New Delhi, the 18th December 1950

SUBJECT:—Endorsement of licences as a result of fluctuation in the exchange rate between the Canadian Dollar and the Indian Rupee.

No. 173-ITC(P.N.)/50.—The attention of importers is drawn to the fact that owing to a recent decision of the Canadian Government, the exchange rate of the Canadian Dollar is no longer fixed but has been freed from control since 1st October, 1950. Consequently the volume of imports which may be made under any import licence the limiting factor of which is expressed in rupees c.i.f. is liable to variation with any fluctuation in the exchange rate between the Canadian Dollar and the Indian Rupee.

2. In this connection it has been decided that, except as provided for below, amendments in the value of licences issued for the import of goods from Canada will not ordinarily be permitted on the ground of variation in the rate of exchange, and that importers will be required so to adjust matters that the c.i.f. value in Rupees of the goods imported by them is kept within the limits laid down in the licences.

3. Exceptions to the above rule will be made in the following cases:—

(a) Goods despatched on through consignment from Canada before 1st October 1950. In such cases the Customs will debit to the relevant import licences the c.i.f. value in Rupees calculated at the rate of exchange prevailing before 1st October 1950.

(b) Goods in respect of which firm commitments were entered into before 1st October 1950, and in respect of which the importer held a valid import licence at the time when he entered into the commitment. In such cases the relevant licences will be endorsed with a certificate showing the extent to which debits should be made against it in rupees c.i.f. calculated at the rate of exchange prevailing before 1st October 1950.

4. In order to obtain the endorsement mentioned in clause (b) of the preceding paragraph, licence holders should send a request in that behalf accompanied by the following documents to the Canadian Exchange Endorsement Officer, Office of the Chief Controller of Imports, Church Road, New Delhi, so as to reach him not later than the 15th January 1951:—

- (a) both copies of the licence in question
- (b) copies of the firm order placed on the suppliers, and their acceptance.
- (c) where letters of credit have been opened banker's certificate showing the particulars of the credit and the amount outstanding on 1st October 1950.
- (d) where no letters of credit were required to be opened, particulars of shipments made against the licences before 1st October 1950 supported by documentary evidence e.g. suppliers invoices, bills of lading, suppliers letters etc.

SUBJECT:—Licensing Policy regarding ring frames, spares for ring frames, looms and carding engines, for the Cotton Textile Industry for July/December 1950.

No. 175-ITC(P.N.)/50.—The attention of importers is invited to para. 3 of Public Notice No. 140-ITC(P.N.)/50 dated the 11th November 1950 in which it was stated that the 30th November 1950 would be the last date for receiving applications in respect of Ring frames, spares for Ring Frames etc. under the arrangement set out in that Public Notice. In view of representations that inadequate time has been allowed for the submission of those applications the Government of India have decided to extend the last date to the 31st December, 1950.

2. It is understood some misunderstanding has arisen in regard to the application of para 4 of Public Notice No. 140-ITC(P.N.)/50 dated the 11th November, 1950

wherein it was stated that applications already made in the current licensing period would be treated as cancelled. The intention is that all applications pending at the date when the said Public Notice issued will be deemed to be cancelled and should be renewed, if so desired, in terms of that Public Notice.

R. J. PRINGLE, Joint Secy.

MINISTRY OF INDUSTRY AND SUPPLY

New Delhi, the 7th December 1950

No. LI-5(49)/50.—The following amendment shall be made in the Ministry of Industry and Supply Resolution No. I(7)-5(49)/50 dated the 6th July 1950 reconstituting the Cottage Industries Board:—

In paragraph 1(6) for the word "eight" substitute "nine".

ORDER

ORDERED that a copy of the above Notification be communicated to all State Governments, all Ministries of the Government of India, the Indian Trade Commissioners, all Indian Embassies, the High Commissioner for India in London, all Chambers of Commerce and Associations, the Director-General of Commercial Intelligence and Statistics, Calcutta, the High Commissioner for India in Pakistan, Karachi, the High Commissioner for Pakistan in India, New Delhi, and the Secretary, Indian Tariff Board, Bombay

ORDERED also that it be published in the *Gazette of India*.

PREM CHAND, Under Secy.

MINISTRY OF EDUCATION

EDUCATION

New Delhi, the 13th December 1950

In the matter of the Charitable Endowments Act, 1890
and

In the matter of the Indian Institute of Science, Bangalore.

No. F.8-57/50.T.1.—Upon an application of the Council of the Indian Institute of Science, Bangalore, and of the Board of Management of the said Institute, being the persons acting in the administration of the Trust and in pursuance and exercise of the powers conferred by section 5 of the Charitable Endowments Act, 1890 (VI of 1890), the Central Government with the concurrence of the said Council and the said Board of Management are pleased to declare that the scheme for the administration and management of the properties and funds of the Indian Institute of Science, settled under sections 5 and 7 of the said Act and set forth in Schedule H to the Vesting Order made on the 27th May 1909, in the above-mentioned matters in pursuance of sections 4 and 7 of the aforesaid Act, and as modified by Notification of the Government of India in the late Department of Education, Health and Lands, No. F. 53-1/37, dated the 2nd December, 1937, as subsequently amended, be further modified as set forth in the schedule attached hereto and that this modification shall have effect from the date of issue of this Notification.

SCHEDULE

After Regulation 27-A insert the following Regulation in the Regulations of the Institute:—

"27-B.—Notwithstanding what is contained elsewhere, the Council may, in special circumstances and subject to confirmation by the visitor

- (a) appoint a scientist as Director or Professor on contract for a period of five years, including a period of probation not exceeding one year;
- (b) on satisfactory completion of the period of such contract and if the situation so demands extend

such contract for a further period of five years;

Provided however that the period of such contract or the extension thereof shall not ordinarily extend beyond the 30th June following the date of attainment of the age of 60 years by the Director or Professor. Provided further that the period of such contract or the extension thereof may be terminated on six months' notice in writing on either side.

Nothing in this proviso shall prevent the grant of extension for one year at a time to the Director or Professor after the attainment of the age of 60 years, on production of a certificate of physical fitness issued by a medical officer appointed by the council for the purpose."

P. N. KIRPAL, Dy. Secy.

MINISTRY OF LABOUR

DIRECTORATE GENERAL OF RESETTLEMENT AND EMPLOYMENT

New Delhi, the 6th December 1950

No. RCO-45.—In continuation of this Ministry's Notification No. RCO-45, dated the 29th September, 1950, regarding the constitution of the Sub-Regional Employment Advisory Committee, Jorhat, the Government of India are pleased to appoint the following person as an additional member:—

"Secretary, Upper Assam Marwari Chamber of Commerce, Jorhat".

M. V. NILAKANTA AYYAR, Under Secy.

ELECTION COMMISSION, INDIA.

New Delhi, the 19th December 1950

No. 67/50-Elec.—WHEREAS the election of Shri V. S. Narayan Rao as a member of the Mysore Legislative Assembly has been called in question by an election petition duly presented under the provisions of rule 94 of the Mysore Legislative Assembly Election Rules the Election Commission is pleased in pursuance of the provisions of sub-paragraph (1) of paragraph 5 of the Provisional State Legislatures (Casual Vacancies) Order, 1950, to appoint

- (1) Shri S. Venkataranga Iyengar, Retired High Court Judge,
- (2) Shri K. C. Lingiah Gowder, District Judge, and
- (3) Shri S. Kanakaratnara, District Judge,

as members of a tribunal for the trial of the said petition and further to appoint the said Shri Venkataranga Iyengar to be the President of the tribunal so constituted and Bangalore as the place where the trial of the petition shall be held.

No. 83/50-Elec.II.—In exercise of the powers transferred by sub-rule (3) of rule 10 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1950, the Election Commission hereby designates every Officer holding the office of Sub-Registrar or Circle Officer in the State of West Bengal excluding the area comprised within Calcutta as defined in the Commission's notification No. 24/50-Elec.(56), dated the 9th December 1950 to be the person to whom a claim or objection under sub-rule (1) of the said rule in respect of the electoral roll for any electoral unit comprised within the area under their jurisdiction may be presented.

P. S. SUBRAMANIAN, Secy.